

February 23, 2004

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION**

SUBJECT: Department of Development and Environmental Services File Nos. **L03P0006/L03TY403**  
Proposed Ordinance Nos. **2004-0004; 2004-0006**

**LIBERTY GROVE**

Proposed Preliminary Plat and Proposal for Transfer of Density Credits

Location: North of Southeast 136<sup>th</sup> Street, between 160<sup>th</sup> Avenue Southeast and  
158<sup>th</sup> Avenue Southeast

Applicant: **Lakeridge Development**  
Attn: Wayne Jones  
P.O. Box 146  
Renton, Washington 98057  
Telephone: (425) 228-9750

Intervenor: C.A.R.E., *represented by*  
**Gwendolyn High**  
13405 – 158<sup>th</sup> Avenue Southeast  
Renton, Washington 98059

King County: Department of Development and Environmental Services, *represented*  
*by*  
**Karen Scharer**  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055-1219  
Telephone: (206) 296-7114  
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**SUMMARY OF DECISION/RECOMMENDATION:**

Department's Preliminary Recommendation:

Department's Final Recommendation:

Examiner's Decision:

Approve, subject to conditions

Approve, subject to conditions (modified)

Approve, subject to conditions (modified)

EXAMINER PROCEEDINGS:

Hearing opened: February 10, 2004  
Hearing closed: February 10, 2004

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED

- Transfer of density credits
- Surface water drainage
- Road improvements
- Safe walking conditions

SUMMARY

Application for transfer of a maximum of 5 density credits, and approval of a preliminary plat to subdivide approximately 4.84 acres into 24 lots in the urban area, are granted preliminary approval.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **General Information:**

Proponent: Wayne Jones, Jr.  
Lakeridge Development Inc.  
PO Box 146  
Renton, WA 98057  
Phone: 425-228-9750  
e-mail: joneswayne@qwest.net

Representative: Mel L. Daley, P.E.  
Daley-Morrow-Poblete, Inc.  
Auburn Way North  
Phone: 253-333-2200  
Facsimile: 253-333-2206

Intervenor: C.A.R.E., represented by  
**Gwendolyn High**  
13405 – 158<sup>th</sup> Avenue Southeast  
Renton, Washington 98059

Location: Lying south of SE 136<sup>th</sup> St. between 160<sup>th</sup> Ave. SE and 162<sup>th</sup> Ave. SE.  
Section/Township/Range: SE 14-23-05 Parcel # 3664500141  
Acreage Plat: 4.84 acres

Current Zoning: R-4  
 Number of Lots: Proposed -24 w/5 TDR  
 Density: 5.2 dwellings per acre  
 Lot Size: generally 6,000 square feet  
 Proposed Use: single family  
 Sewage Disposal: City of Renton  
 Water Supply: Water District #90  
 Fire District: King County Fire District # 25  
 School District: Issaquah  
 Community Plan: Newcastle  
 Drainage Subbasin: Lower Cedar River  
 King County Permits: Rezone and Subdivision  
 Complete Application Date: May 15, 2003  
 (Date Plat Filed March 11, 2003 & Rezone May 7, 2004)  
 Threshold Determination: Mitigated Determination of Nonsignificance (MDNS)  
 Date of Issuance: December 16, 2003  
  
 KC Permit Contact: Karen Scharer, Project Manager II, Current Planning Section, LUSD  
 Phone # 296-7114 or e-mail at karen.scharer@metrokc.gov

2. Except as modified herein, the facts set forth in the DDES preliminary report to the Hearing Examiner for the February 10, 2004, public hearing are found to be correct and are incorporated herein by this reference. Said report is exhibit no. 4 in the hearing record.
3. The Applicant's request to reclassify the subject property from R4 to R6 was withdrawn prior to commencement of the hearing.
4. On February 4, 2004 the King County Hearing Examiner issued his report and decision granting preliminary approval for the revised plat of Evendell, based upon transfer of 20 density credits that would allow for development of 70 lots on 12.43 acres. This would provide a density of 5.6 dwelling units per acre on the Evendell property, which is directly south, across Southeast 136<sup>th</sup> Street, from the subject property. The Examiner's decision approving the Evendell plat revision, File No. L01P0016, is exhibit no. 33 in the hearing record of this proceeding.
5. Directly east, north and west of the subject property are suburban-sized lots, ranging from approximately 9,000 to 30,000 square feet in area. The maximum permitted density in the R4 zone classification is 6 dwelling units per acre, utilizing density incentives or transferred development rights.
6. King County's "Transfer of Development Rights (TDR)" program is governed by Chapter 21A.37 of the King County Code. The TDR program establishes a property right which is separable from the fee-simple title to certain lands within King County, and provides a method for the transfer and utilization of that new right, which is colloquially known as a development right or "density credit." A density credit has a substantial market value.

The underlying purpose of the TDR program is to allow for the movement of residential density from rural areas to urban areas of King County. The code is intended to provide, "...an efficient and streamlined administrative review system to ensure that transfers of development rights to

receiving sites are evaluated in a timely way and balanced with other County goals and policies, and are adjusted to the specific conditions of each receiving site.” KCC 21A.37.010.2.

Receiving sites are required to meet the provisions of KCC 21A.37.030. Those requirements are that the receiving site:

1. be within an unincorporated urban area, zoned R-4 or higher, or be within a potential annexation area;
2. be within a city where new growth is or will be encouraged, and where facilities and services exist or public investments in facilities and services will be made; or
3. be within RA-2.5 and RA-5 zoned parcels, subject to stringent criteria.

The subject property is within the first category of eligible receiving sites listed in KCC 21A.37.030. Sites within the unincorporated urban growth area are not required to have any specific level of available facilities and services. Development approvals that utilize density credits must meet only those service criteria that apply generally to development of the number of dwelling units proposed on the site.

King County Code chapter 21A.12 governs densities and development standards in residential zones. The R-4 zone in the urban residential area allows for a maximum density of six dwelling units per acre, which may be achieved only through the application of residential density incentives or transfers of development rights. KCC 21A.12.030.A. and B.1. When density credits are used, development shall comply with dimensional standards of the zone having a base density most comparable to the total approved density. KCC 21A.37.030.B.

7. The foregoing provisions of the King County Zoning Code are generally consistent with policies of the King County Comprehensive Plan governing residential land use. In particular, the Zoning Code provisions are generally consistent with:

Policy U-113, that new residential development in the Urban Growth Area should occur where facilities and services can be provided at the lowest public cost and in a timely fashion;

Policy U-114, that the County seek to achieve an average zoning density of at least seven to eight homes per acre in the Urban Growth Area through a mix of densities, allowing for lower density zones to recognize existing subdivisions with little or no opportunity for infill or redevelopment;

Policy U-122 that supports increases in urban density through a rezone or a proposal to utilize density transfer, when the proposal will help resolve traffic, utility, parks or open space deficiencies in the immediate neighborhood. This proposal will improve traffic circulation in the area, will extend sewer service further into the urban area, and will provide recreation facilities and open space available to future residents on the subject property.

8. The subject property is in the City of Renton’s potential annexation area. The City is considering modifications to its comprehensive plan that would limit density on this property to a maximum

of 4 dwelling units per acre. However, those plan changes were not in effect at the time a complete application for this subdivision was submitted.

9. DDES and the Applicant have agreed upon right-of-way dedications and road improvements to mitigate the impact of traffic which this proposal will generate adjacent to and in the immediate vicinity of the proposed development. The dedications and improvements include additional right-of-way and construction that will open and improve the north side of Southeast 136th Street, from 160th Avenue Southeast to 158th Avenue Southeast. This dedication and improvement will be matched on the south side of 136th Street by dedication and improvements to be constructed by the plat of Evendell. Additional improvements that will be made to Southeast 136th Street from 158th Avenue Southeast to 156th Avenue Southeast will result in a new east-west route from 160th Avenue Southeast to 156th Avenue Southeast. This new route will divert traffic from the high accident intersection of Southeast 128th Street and 160th Avenue Southeast.

The subject plat will also provide improvements to the west side of 160th Avenue Southeast along the plat frontage, to the urban neighborhood collector standard. These improvements will include a sidewalk from the north property line to Southeast 136<sup>th</sup> Street.

10. The Issaquah School District plans to operate a school bus stop for elementary school children at the intersection of Southeast 136th Street and 160th Avenue Southeast. The internal road improvements and frontage improvements on 160th Avenue Southeast will provide a safe route for children to use between the lots of this subdivision and that bus stop.
11. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
  - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:
 

“All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file.”

- d. The stormwater detention design shall comply with the Level 2 or Level 3 Flow Control requirements, as applicable, per the 1998 King County Surface Water Design Manual (KCSWDM). (See SEPA conditions in condition no. 19.)
  - e. The storm water control facility shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for required recreation space in accordance with KCC 21A.14.180.
12. A surface water drainage adjustment (no. L03V0065) has been approved for this proposal and the Liberty Grove Contiguous proposal (no. L03P0005). Stormwater detention for the subject property will be provided on the Liberty Grove Contiguous property site that lies on the south side of Southeast 136th Street and east side of 160th Avenue Southeast. The level 3 flow control standard is required as a condition of the drainage adjustment for discharge from the surface water detention facilities. In addition, some downstream surface water conveyance improvements have been made by King County, and others are required to be made by this and other developments that are being proposed and constructed in this area.

The downstream analysis and required improvements assure adequate conveyance of surface water for a distance greater than ¼ mile from this plat. The level 3 flow control standard protects downstream properties from damage from surface water discharge from this development.

#### CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, subdivision and zoning codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary waste, parks and recreation, playgrounds, schools and school grounds and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of the development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as required for final plat approval or as shown on the proposed preliminary plat submitted by the Applicant on September 3, 2003, are reasonable and necessary as a direct result of the development of this proposed plat, and are proportionate to the impacts of the development.
5. The Applicant has negotiated for the purchase of development rights that would allow for an increase in the number of lots to be developed on the subject property to a total of 24. The development of 24 lots on the subject property will be within the maximum density of 6 dwelling units per acre permitted in the R4 zone classification in the urban area, although it will be most comparable to the base density of the R6 zone classification. The proposed development of the subject property, utilizing up to 5 density rights, is consistent with all applicable development standards and other provisions of the king county code. Provisions of the City of Renton

Comprehensive Plan concerning density of development on this property are not applicable to this proposal.

6. The road improvements proposed and agreed to by the Applicant, including those shown on the September 3, 2003 preliminary plat and set forth in the conditions below, will reasonably mitigate the impacts of traffic generated by the proposed development.
7. Safe walking conditions for children who walk to school from the subject property will be provided by using one of the alternatives for improvements incorporated into this proposal and set forth in condition no. 22 below.
8. The conditions of approval of the surface water drainage adjustment L03V0065, and the conditions recommended by DDES and agreed to by the Applicant, incorporated into the conditions below, mitigate the impacts of surface water drainage from this proposed development.

#### DECISION:

The proposed preliminary plat of Liberty Grove, as revised and received September 3, 2003, utilizing up to 5 density credits (transferable density rights), is APPROVED, subject to the following conditions of final plat approval:

1.
  - a. Compliance with all platting provisions of Title 19 of the King County Code.
  - b. Prior to the recording of Liberty Grove, the plat of Liberty Grove Contiguous shall be recorded (as drainage facilities for Liberty Grove will be constructed off-site in the plat of Liberty Grove Contiguous).
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3.
  - a. The plat shall comply with the maximum density (and minimum density) requirements of the R-4 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
  - b. The Applicant shall provide Transfer of Density Credit documentation to DDES prior to final approval to allow transfer of a maximum of five density credits.
4. The applicant must obtain final approval from the King County Health Department for abandonment of existing septic systems on-site serving on and off-site homes.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).

6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
  - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:  
All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
  - d. The storm water control facility shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for required recreation space in accordance with KCC 21A.14.180.
8. A drainage adjustment (L03V0065) is approved for this site and for the Liberty Grove Contiguous site (L03P0005). The adjustment allows combining the storm water from both subdivisions on the Liberty Grove Contiguous site; and routing post developed flows to 160<sup>th</sup> Ave SE. A flow splitter is proposed to maintain existing flows to the south. All conditions of approval for this adjustment shall be met prior to engineering plan approval. A Conceptual Drainage Plan showing the preliminary configuration was received March 11, 2003.
9. The stormwater detention facility shall be designed to the Level 3 flow control standard in the 1998 King County Surface Water Design Manual(KCSWDM). The facility shall also be designed to meet the basic water quality menu.
10. The downstream drainage system along the east side of 160<sup>th</sup> Ave SE from the south plat boundary of Liberty Grove Contiguous to approximately 50 feet south of the culvert 29 (House # 14028); shall be improved to achieve adequate drainage capacity per the 1998 KCSWDM. Culvert 29 is approximately 900 feet south of the southwest corner of the LCG site and is shown

- in the Level 1 Offsite Analysis received September 3, 2003. Plans and supporting capacity analysis for this improvement shall be submitted with the engineering plans.
11. The 100-year floodplain for any on-site wetlands or streams shall be shown on the engineering plans and the final plat per Special Requirement #2 of the KCSWDM.
  12. The following road improvements are required to be constructed according to the 1993 King County Road Standards(KCRS):
    - a. SE 135<sup>th</sup> PL shall be improved to the urban subaccess street standard.
    - b. FRONTAGE: The frontage along 160<sup>th</sup> Ave SE shall be improved to the urban neighborhood collector standard(west side only).
    - c. FRONTAGE: The frontage along SE 136<sup>th</sup> ST may be improved to the urban standards per the SEPA mitigation list.
    - d. Tract A shall be improved as a private access tract according to Section 2.09 of the KCRS. The tract shall be owned and maintained by the owners of those Lots being served. Tracts C and D shall each be improved as a joint use driveway per Section 3.01 of the KCRS. The tracts shall be owned and maintained by the owners of those Lots being served.
    - e. A R/W radius shall be dedicated at the northeast quadrant of 158<sup>th</sup> Ave SE and SE 136<sup>th</sup> St. (southwest corner of Lot 16), and a second radius shall be dedicated at the northwest quadrant of 160<sup>th</sup> Ave SE and SE 136<sup>th</sup> St. (southeast corner of Lot 24).
    - f. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.
  13. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
  14. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
  15. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in KCC 21A.24. Preliminary plat review has identified the following specific requirements that apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant:

Southeast 136<sup>th</sup> Street to the south of the project site may or may not be improved prior to beginning construction on Liberty Grove. If road improvements are made or are in the process of being constructed, then no wetland conditions shall apply. If however the improvements are not made or are not under construction, then the extent of the buffer/wetland area shall be shown on the Plat of Liberty Grove and a Sensitive Areas Tract is required for the protection of the Class II buffer/wetland area for the wetland identified on the Plat of Evendell.

16. The following note shall be shown on the final engineering plan and recorded plat, if wetland buffer is necessary per condition 15 above:

#### RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE AREAS AND BUFFERS

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

17. Suitable recreation space shall be provided consistent with the requirements KCC 21A.14.180 and KCC 21A.14.190 in providing sport court[s], children's play equipment, picnic table[s], benches, etc.
  - a. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the engineering plans. This plan shall comply with Ordinance # 14045.
  - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.

18. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
19. Street trees shall be included in the design of all road improvements, and shall comply with Section 5.03 of the KCRS and KCC 21A.16.050:
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
  - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
  - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
  - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
  - g. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on current County fees.

### SEPA

20. The following have been established by SEPA as necessary requirements to mitigate the adverse environmental impacts of this development. The applicants shall demonstrate compliance with these items prior to final approval.

Individually, or joint with other area developers, the Applicant shall design and construct improvements to Southeast 128th Street at 160<sup>th</sup> Ave. SE to mitigate project impacts at the High Accident Location.

Or, the Applicant shall reduce the project impacts at the High Accident Location by completing the remainder of the improvements to Southeast 136th Street (i.e. additional paving, concrete curbs, gutters and sidewalks), between 158th Avenue SE and 160th Avenue SE, and, revise the channelization at the intersection of 156th Avenue SE/SE 136th Street to provide a southbound left turn lane.

### **School Mitigation Fees**

21. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.

### **School Walkways**

22. The Applicant, individually or in conjunction with other developers, shall construct an off-site walkway to Liberty High school from the site. The walkway shall be constructed within the right-of-way from 160th Ave SE, east along SE 135th Street to 166th Ave SE, and south to Liberty High School at SE 136th Street, or via alternative right-of-way and easements that become available and are approved by DDES. One acceptable alternative would be to use future right-of-way of Southeast 136th Street and 162nd Avenue Southeast to connect with the sidewalk improvement of “five lot subdivision,” and through the plat of “five lot subdivision”/L00P0023 to the southwest gate of Liberty High School. The walkway shall be designed and constructed in accordance with the 1993 King County Road Standards and shown on the engineering plans for DDES review and approval.

Any surfacing alternative from the King County Road Standards (KCRS 3.09) may be submitted for approval through a road variance application.

ORDERED this 23rd day of February, 2004.

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James N. O'Connor  
King County Hearing Examiner *pro tem*

TRANSMITTED this 23rd day of February, 2004, to the parties and interested persons of record:

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Carol Rogers  
DDES/LUSD  
MS OAK-DE-0100

Karen Scharer  
DDES/LUSD  
Current Planning  
MS OAK-DE-0100

Steve Townsend  
DDES/LUSD

Larry West  
DDES/LUSD

Bruce Whittaker  
DDES/LUSD

Land Use Inspections  
MS OAK-DE-0100

Geo Review  
MS OAK-DE-0100

Prel. Review Engineer  
MS OAK-DE-0100

### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before March 8, 2004***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before March 15, 2004***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3<sup>rd</sup> Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

#### MINUTES OF THE FEBRUARY 10, 2004, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NOS. L03P0005/LIBERTY GROVE CONTIGUOUS (LGC) AND L03P0006/L03TY403/LIBERTY GROVE (LG).

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Karen Scharer, Bruce Whittaker, Nick Gillen and Kristen Langley, representing the Department; Wayne Jones and Dave Casey, representing the Appellant; Gwendolyn High, Intervenor for C.A.R.E. and Anita Oliphant, Kristy Hill, Mary Brotherton, Diane Kezele, Rhonda Bryant, and Joann Lee.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 LGC – DDES File L03P0005
- Exhibit No. 2 LG – DDES File L03P0006
- Exhibit No. 3 LGC – DDES Preliminary Report for L03P0005, Prepared January 26, 2004  
with attachments as follows:
  - 3.1 36 Lot Plat Design
  - 3.2 Density Calculations R-4 w/4 TDRs
  - 3.3 Issaquah School District
  - 3.4 Certificate of Water Availability dated January 8, 2003
  - 3.5 City of Renton Letters, including the Sewer Certificate
  - 3.6 Certificate of Transportation Concurrency
- Exhibit No. 4 LG – DDES Preliminary Report for L03P0006, Prepared January 26, 2004  
with attachments as follows:

- 4.1 24 Lot Plat Design
- 4.2 Density Calculations R-4 w/5 TDRs
- 4.3 Issaquah School District
- 4.4 Certificate of Water Availability dated January 8, 2003
- 4.5 City of Renton Letters, including Sewer Certificate
- 4.6 Certificate of Transportation Concurrency
- Exhibit No. 5 Corrections/Revisions of Conditions to DDES Preliminary Reports  
(Conditions 7.d. & 12.d) dated February 9, 2004 – *Not Entered into the Record*
- Exhibit No. 6 LGC – Application for Land Use Permit/Plat L03P0005 Received March 11, 2003
- Exhibit No. 7 LG – Application for Land Use Permit/Plt L03P0006 received March 11, 2003
- Exhibit No. 8 LGC – Revised Environmental Checklist Received September 3, 2003
- Exhibit No. 9 LG – Revised Environmental Checklist Received September 3, 2003
- Exhibit No. 10 LGC – Mitigated Determination of Non-Significance dated December 16, 2003
- Exhibit No. 11 LG – Mitigated Determination of Non-Significance dated December 16, 2003
- Exhibit No. 12 LGC – Affidavit of Revised Posting Indicating Posting Date of June 2, 2003  
And received June 3, 2003
- Exhibit No. 13 LG – Affidavit of Posting Indicating Posting Date of June 2, 2003 and received  
June 3, 2003
- Exhibit No. 14 LGC – Revised Site Plan (36 Lot Preliminary Plat Map) received September 3, 2003
- Exhibit No. 15 LG – Revised Site Plan (24 Lot Preliminary Plat Map) received September 3, 2003
- Exhibit No. 16 Assessors Maps (2) SE 14-23-05 Revised February 3, 2000 & NE 14-23-05 Revised  
February 28, 2000
- Exhibit No. 17 Letter w/attachments to DDES from Wayne Jones; Re: Intent to sell TDR-Density  
Credits dated April 23, 2003
- Exhibit No. 18 Traffic Impact Analysis prepared by Gary A. Norris of DN Traffic Consultants dated  
February 7, 2003 and received March 11, 2003
- Exhibit No. 19 Revised Traffic Impact Analysis prepared by Gary A. Norris of DN Traffic  
Consultants dated June 24, 2003 and received September 3, 2003
- Exhibit No. 20 Walkway Study Prepared by DMP, Inc. dated August 18, 2003
- Exhibit No. 21 LGC – Walkway Study Map Annotated by DDES prepared February 9, 2004
- Exhibit No. 22 March 10, 2003 email from Issaquah School District to Ted Cooper regarding  
School walkways to Liberty High, Maywood Middle and Briarwood Elementary  
School for plat conditions of L00P0023
- Exhibit No. 23 Level One Off-Site Analysis prepared by Daley-Morrow-Poblete, Inc. dated  
March 3, 2003
- Exhibit No. 24 Revised Level One Off-Site Analysis prepared by Daley-Morrow-Poblete, Inc.  
Dated July 11, 2003
- Exhibit No. 25 Conceptual Drainage Plan received March 11, 2003
- Exhibit No. 26 Additional Downstream Information received November 25, 2003
- Exhibit No. 27 LG – Letter to Wayne Jones and Mel Daley from James Sanders and Jim Chan  
Dated December 4, 2003 regarding drainage adjustment (L03V0065)
- Exhibit No. 28 Wetland Evaluation and Delineation Report and Wildlife Habitat Evaluation  
By Habitat Technologies dated November 5, 2002
- Exhibit No. 29 LGC – Letter to Wayne Jones from Mark Heckert of H&S Consulting dated July 18,  
2003; Addendum to the Wetland Evaluation and Delineation Report
- Exhibit No. 30 LGC – Tributary Area Map Annotations by DDES; Prepared February 2004
- Exhibit No. 31 Letter to Karen Scharer from Anita & Richard Oliphant dated January 29, 2004  
Requesting comments to L01P0016 & L03RE038 be considered in this matter

- Exhibit No. 32 Letter to Karen Scharer from Steven & Joann Lee dated February 2, 2004  
Regarding claim of adverse possession along south property line of LGC
- Exhibit No. 33 Hearing Examiner Report & Decision for Evendell/L01P0016/L03RE038  
Issued February 4, 2004
- Exhibit No. 34 Email from Shirley Day to Karen Scharer dated February 3, 2004
- Exhibit No. 35 Email from Glenda Johnson to Karen Scharer dated February 10, 2004
- Exhibit No. 36 Letter from Bill & Dona Mokin to Karen Scharer dated February 7, 2004
- Exhibit No. 37 Photograph of driveway located at SE 136<sup>th</sup>/160<sup>th</sup> on February 4, 2004
- Exhibit No. 38 C.A.R.E. Response: Liberty Grove/Liberty Grove Contiguous Plat Applications  
L03P0006 & L03P0005
- Exhibit No. 39 C.A.R.E. Households List
- Exhibit No. 40 Community Map
- Exhibit No. 41 March and April 2000 Press Releases from King County Executive Ron Sims
- Exhibit No. 42 King County Metro Six Year Transit Development Plan, February 2002
- Exhibit No. 43 Report of the King County General Government Budget Advisory Task Force  
To County Executive Ron Sims dated June 25, 2003
- Exhibit No. 44 A Joint City Position – The Cities’ Suggestions for Inclusion in the King County  
Budget Advisory Task Force’s Recommendations dated March 12, 2003
- Exhibit No. 45 Message to Employees from King County Executive Ron Sims; General Budget  
Advisory Task Force Recommendations dated July 9, 2003
- Exhibit No. 46 King County Council Budget & Fiscal Management Committee Capital Budget  
Plan, 2004 CIP Overview
- Exhibit No. 47 In Transportation – Facing the Budget’s Challenges from Harold Taniguchi  
Dated November 3, 2003
- Exhibit No. 48 High Accident Locations Report dated July 2003
- Exhibit No. 49 Transportation Service Areas 2000
- Exhibit No. 50 King County Concurrency Maps 2001, 2002 and 2003
- Exhibit No. 51 Transportation Concurrency Detail Comparison Graphic
- Exhibit No. 52 City of Renton Long Range Wastewater Management Plan (Excerpts)
- Exhibit No. 53 2003 King County Annual Growth Report
- Exhibit No. 54 King County Benchmark Report – 2003 (Land use – excerpts)
- Exhibit No. 55 Buildable Lands Report – Dated August 29, 2002 (Excerpts)
- Exhibit No. 56 State, County, City Populations
- Exhibit No. 57 City of Renton Economic Development, Neighborhoods, and Strategic Planning  
Department Reports (June 3, 2003; September 23, 2003; October 1, 2003;  
October 10, 2003)
- Exhibit No. 58 Renton Planning Commission Recommendation dated October 22, 2003
- Exhibit No. 59 City of Renton Ordinance No. 5026
- Exhibit No. 60 Renton City Council Meeting Minutes dated November 24, 2003
- Exhibit No. 61 C.A.R.E. Member’s Letters Detailing Adverse Impacts from High Density  
Development in this Community
- Exhibit No. 62 City of Renton Proposed Comprehensive Plan Land Use Map
- Exhibit No. 63 Two Photographs of Intersection
- Exhibit No. 64 Two Photographs of SE 144<sup>th</sup>/62<sup>nd</sup> Ave. SE
- Exhibit No. 65 List of Individuals and Their Addresses in Attendance
- Exhibit No. 66 Letter to Karen Scharer from Claude R. & Eloise M. Stachowiak  
Dated November 16, 2003

Exhibit No. 67 Letter to the Hearing Examiner from Kristy J. Hill dated February 10, 2004

Exhibit No. 68 Letter to the Hearing Examiner from Edward & June Hill dated February 10, 2004

JOC:gao

L03P0006/L03TY403 RPT